S.B. CIVIL WRIT PETITION NO.2324/2005
Lalchand Vs. Ratanlal and anr.

Date : 20.4.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Ravi Bhansali, for the petitioner.

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Heard learned counsel for the petitioner.

The objection of the petitioner/defendant about jurisdiction of the Court was rejected by the trial court vide order dated 29.3.2005, against which the present writ petition has been filed.

According to learned counsel for the petitioner, in view of the condition contained in Annex.5 “Vijaynagar Jurisdiction”, the jurisdiction of other courts including the Court at Gulabpura stands excluded by the agreement of the parties and according to learned counsel for the petitioner, the jurisdiction can be excluded by the agreement of the parties is now well established and settled position of law.

In view of the above, according to learned counsel for petitioner, the trial court has committed serious error of law that the Court at Gulabpura has jurisdiction to proceed with the suit.

I have considered the submissions of learned counsel for petitioner and perused the impugned order.

It is clear that the only condition which has been relied upon by the petitioner is two words mentioned in

Annexure-5 which are “Vijaynagar Jurisdiction”. These two words hardly excludes any jurisdiction of any other court. It only says that Vijaynagar Court shall also have jurisdiction. There is no agreement for exclusion of jurisdiction of any other court.

In view of the above, I do not find any illegality has been committed by the trial court in passing the impugned order which requires interference by this Court.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya